

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDWARD PAINTER

Plaintiff,
v.

Index No: 1:17-cv-07558
**ATTORNEY
AFFIRMATION**

TURING PHARMACEUTICALS AG, TURING
PHARMACEUTICALS, LLC a/k/a VYERA
PHARMACEUTICALS, LLC, and MARTIN SHKRELI

Defendants,

STATE OF NEW YORK }
 ss
COUNTY OF NASSAU }

GRANT M. LALLY, an attorney duly admitted to practice before all Court of the State
of New York, hereby affirms, under penalty of perjury:

1. That the Affirmant is the attorney of record to Plaintiff and submits this reply to the Court's Order to Show Cause dated April 18, 2018. This Court made, on its own motion, an Order to Show Cause to inquire about the service of Turing Pharmaceuticals AG.
2. That the Defendant, Turing Pharmaceuticals AG ("Turing AG") is the Switzerland parent holding company of Turing Pharmaceuticals, LLC a/k/a Vyera Pharmaceuticals, LLC ("Turing LLC"), which does business in New York.
3. That Turing AG wholly and only owns Turing LLC, its American subsidiary.
4. That the Plaintiff was a director of Turing LLC and knew that Turing AG was doing business in the same New York offices.
5. That Turing LLC lists 600 Third Avenue, 10th Floor, New York, NY 10016 as its place of business. (See Exhibit 1)

6. That when Plaintiff's attempted to serve Turing LLC at their listed office, Defendants refused to allow process server access into their office building, on several occasions.

7. Plaintiff attempted service of Turing LLC on January 28, 2018. (See Exhibit '2' Affidavit of Non-Service).

8. That Plaintiff's could not serve Turing AG because the company deliberated evaded service.

9. That Plaintiff properly and timely served all other Defendants to this action.

10. That because Turing LLC is the wholly owned subsidiary of Turing AG, and Turing LLC has been legally and properly served, there is no need at present to include Turing AG in this action.

WHEREFORE, the Plaintiff requests that Plaintiff's claim, as against Turing AG, be dismissed, without prejudice.

Dated: Mineola, New York
May 3, 2018



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